

REMARKS

The non-final Office Action mailed July 26, 2004, has been reviewed and carefully considered. Claims 1-6 are pending in the application. Claims 1-6 were rejected. Claims 1-3 are amended.

In paragraph three on page two of the Office Action, claims 1-6 were rejected under § 112, second paragraph.

Applicant respectfully traverses the § 112, second paragraph claim rejections. The failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite. *See* MPEP § 2173.05(e). Notwithstanding Applicant's traverse, Applicant has amended claims 1-3. Applicant submits that the amendments to the claims do not change or narrow the scope of Applicant's Application.

In paragraph five on page three of the Office Action, claims 1, 4, and 6 were rejected under § 102(e) as being anticipated by Dunfield et al. (US Patent No. 5,956, 204).

In paragraph seven on page four of the Office Action, claims 2-3 and 5 were rejected under § 103(a) as being unpatentable over Dunfield et al.

Applicant respectfully traverses the §§ 102(e) and 103(a) rejections. Applicant respectfully asserts that the requirements for either a § 102(e) or a §103(a) rejection are not present and a prima facie rejection fails because the Office Action fails to cite a reference or references that teach, disclose or suggest all the claim limitations of Applicant's application.

In order to expedite prosecution, Applicant has amended claim 1 to further include that the magnetic ring is positioned "in a base at an opening of the air bearing to a disk area, wherein the magnetic ring is positioned such that the magnetic ring accumulates debris before debris can escape into the disk area." Applicant asserts that the language added to claim 1 overcomes the § 102(e) rejection because, unlike Dunfield, the magnetic ring is positioned in a base and is positioned such that debris is collected at the magnetic ring before it can enter a disk area. Furthermore, Dunfield teaches a sealed chamber where fluid circulates, for example, see Figs. 4-5 (circulation) and column 3, lines 5-6 "the fluid 68 is *sealed* within the chamber 66 using a barrier film (not shown)." Applicant's application discloses the magnetic ring is positioned at an

opening of the air bearing to the disk area. Applicant's air bearing is not sealed within a chamber because air can flow between the hub and disk area. Therefore Applicant respectfully submits that claims 1-6 are in immediate condition for allowance.

Dunfield reference fails to teach all elements of the instant application and therefore Applicant submits that the §§ 102(e) and 103(a) rejections are improper and should be withdrawn.

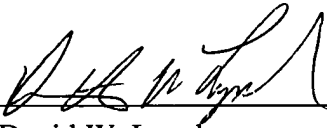
Dependent claims 2-6 are also patentable over the reference because they incorporate all of the limitations of the corresponding independent claim 1. Further, dependent claims 2-6 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 2-6 are patentable over the cited patent.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicants, David W. Lynch, at 651-686-6633 Ext. 116.

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
Saint Paul, MN 55120
(651) 686-6633

Respectfully submitted,

By: 
Name: David W. Lynch
Reg. No.: 36,204